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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,100	02/27/2004	Douglas S. Lacy	030048107US	7692
25096	7590	01/11/2005	EXAMINER	
PERKINS COIE LLP			HOLZEN, STEPHEN A	
PATENT-SEA			ART UNIT	PAPER NUMBER
P.O. BOX 1247				
SEATTLE, WA 98111-1247			3644	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,100	LACY ET AL.	
	Examiner Stephen A. Holzen	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,8,15,20,24 and 29-50 is/are pending in the application.
- 4a) Of the above claim(s) 5,8,15,20,24,30,40 and 46 is/are withdrawn from consideration.
- 5) Claim(s) 1-4 is/are allowed.
- 6) Claim(s) 29,32-35,37-45 and 48-50 is/are rejected.
- 7) Claim(s) 31,36 and 47 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/04 & 11/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 8, 15, 20 and 24 (although withdrawn) are objected to because of the following informalities: They are dependent from a cancelled claim. If the applicant intends to bring these claims back into the case, the examiner suggests correcting their dependency. However since these claims have been withdrawn from consideration, they have not been examined on their merits. Appropriate correction is required.
2. Claim 30 (which is withdrawn) would be rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has compared the "plurality of leading edge devices" to "the smallest leading edge device chord length". The applicant should have approximated a leading edge device length to the smallest leading edge device chord length.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 29 is recites the limitation "selected design condition" in line 10. There is insufficient antecedent basis for this limitation in the claim.

*Claim 29 is ok.
no 112(2)
problem*

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 29, 32-35, 37-39, 42-45, and 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Statkus (EP 0 103 038 A1). Statkus discloses an aircraft having a spanwise portion (the wing) with a plurality of location (25, 26, 27, 28), a leading edge device arrangement (24) coupled to the spanwise portion (coupled to the wing), the leading edge device having at least one leading edge device (24), wherein the chord length at each location is equal to the smallest leading edge device chord length required to provide a local maximum lift coefficient when the airfoil is operated at at least one selected design condition and a selected aircraft angle of attack (inherent where the leading edge device is movable to locations that could provide the maximum lift coefficient for different flight characteristics.)

7. Claims 29, 32-35, 37-45, and 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Borzachillo (4,729,528). Borzachillo discloses an airfoil having a spanwise portion, with a plurality of spanwise locations (see Figure 1), a leading edge device arrangement (30 and 12) coupled to the spanwise portion, the leading edge device arrangement having a leading edge device (12 and 30) where the chord length is

capable of being equal to the smallest leading edge device chord length required to provide a local maximum lift coefficient when the airfoil is operated at at least one selected design condition and a selected aircraft angle of attack (inherent, that the craft will perform at a specific angel for attack, design condition will lead the chord length to minimized and the local life coefficient to be maximized.)

Allowable Subject Matter

8. Claims 31, 36, and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 1-4 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah



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